

In the Claims:

Please amend the claims as follows:

58. (Currently Amended) A method for generating a variation of ~~[[a]]~~ digital information ~~instance~~, the method comprising:

producing a second instance of digital information based on a first instance of
~~providing the~~ digital information ~~instance~~, the first digital information instance having a first portion of functional data used in performing a computerized function, at least one aspect of performing the function being affected by a parameter setting, and a second portion of data including at least the parameter setting;~~and~~ , the second instance of digital information including the functional data and the parameter setting, the producing being in response to a copying or purchasing event for the digital information;

changing the parameter setting in the second digital information instance, the
~~changing being in response to a circumstance as determined using parameter setting change data~~
and being linked to the copying or purchasing event.

59. (Canceled)

60. (Canceled)

61. (Canceled)

62. (Currently Amended) The method of claim 58, wherein changing the parameter setting in the second digital information instance comprises changing in response to an event based on an amount of time related to the second digital information instance.

63. (Currently Amended) The method of claim 62, wherein changing in response to an event based on an amount of time comprises changing in response to a duration of time the second digital information instance has been used in performing the computerized function.

64. (Currently Amended) The method of claim 58, wherein changing the parameter setting in the second digital information instance comprises changing in a probabilistic manner.

65. (Currently Amended) The method of claim 58, wherein changing the parameter setting in the second digital information instance comprises changing according to information transmitted from a server.

66. (Currently Amended) The method of claim 65, wherein changing according to information transmitted from a server comprises using the information transmitted to prevent future changes to the parameter setting of the second digital information instance.

67. (Currently Amended) The method of claim 65, wherein changing according to information transmitted from a server comprises using the information transmitted to prevent future changes to ~~the~~ a parameter setting of a copy of the second digital information instance.

68. (Currently Amended) The method of claim 58, ~~comprising providing an~~ executable wherein the second digital information instance is executable.

69. (Currently Amended) The method of claim 58, ~~comprising providing a non-~~ executable wherein the second digital information instance is non-executable.

70. (Currently Amended) The method of claim 58, wherein ~~the providing a first~~ portion of functional data comprises providing a first portion of functional data that in the second digital information instance is not physically distinct from the second portion of data in the second digital information instance.

71. (Currently Amended) The method of claim 58, wherein ~~providing a the~~ first portion of functional data comprises providing in the second digital information instance is a data

structure and wherein the second portion of data in the second digital information instance is stored within the data structure.

72. (Currently Amended) The method of claim 71, wherein ~~providing a~~ the data structure ~~comprises providing a data structure representing~~ represents an image.

73. (Currently Amended) The method of claim 58, ~~comprising providing a first portion of functional data used in performing a computerized function~~ wherein the second digital information instance performs the computerized function.

74. (Currently Amended) The method of claim 58, ~~comprising providing a first portion of functional data used in performing a computerized function~~ wherein the second digital information instance does not perform the computerized function.

75. (Currently Amended) The method of claim 74, comprising providing software or hardware capable of using the functional data in the second digital information instance to perform the computerized function.

76. (Currently Amended) The method of claim 58, comprising including the parameter setting change data in the second portion of data of the second digital information instance.

77. (Currently Amended) The method of claim 58, comprising transmitting the parameter setting change data in the second digital information instance from a server.

78. (Currently Amended) The method of claim 58, wherein ~~providing the first~~ digital information instance ~~comprises receiving the digital information instance~~ is received by a user.

79. (Currently Amended) The method of claim 58, wherein ~~providing~~ the first digital information instance ~~comprises communicating the digital information instance is~~ communicated to a user.

80. (Currently Amended) The method of claim 58, ~~comprising providing wherein~~ the second portion of data ~~including digital information in the second digital information~~ instance includes instance lineage-relevant information.

81. (Currently Amended) The method of claim 80, comprising
receiving the digital information instance lineage-relevant information at a
database; and
performing analysis of the digital information instance lineage-relevant
information to infer a set of desirable characteristics for the second digital information instance.

82-127. (Canceled)

128. (Currently Amended) A system for generating a variation of ~~[[a]]~~ digital information ~~instance~~, the system comprising:

a memory device for storing a first digital information ~~instance~~ comprising:
a first portion of functional data used in performing a computerized function, at
least one aspect of performing the function being affected by a parameter setting; and
a second portion of data including at least the parameter setting; and
a computerized processor programmed to:

produce a second instance of digital information based on the first
instance, the second instance of digital information including the
functional data and the parameter setting, the producing being in response
to a copying or purchasing event for the digital information;

change the parameter setting in the second digital information instance, the changing being in response to a circumstance as determined using parameter setting change data and being linked to the copying or purchasing event.

129. (Canceled)

130. (Canceled)

131. (Canceled)

132. (Currently Amended) The system of claim 128, wherein the parameter setting in the second digital information instance is changeable in response to an event based on an amount of time related to the second digital information instance.

133. (Currently Amended) The system of claim 132, wherein the parameter setting in the second digital information instance is changeable in response to a duration of time the second digital information instance has been used in performing a computerized function.

134. (Currently Amended) The system of claim 128, wherein the parameter setting in the second digital information instance is changeable in a probabilistic manner.

135. (Currently Amended) The system of claim 128, wherein the parameter setting in the second digital information instance is changeable according to information transmitted from a server.

136. (Currently Amended) The system of claim 135, wherein the information transmitted from the server is used to prevent future changes to the parameter setting of the second digital information instance.

137. (Currently Amended) The system of claim 135, wherein the information transmitted from the server is used to prevent future changes to ~~a~~ the parameter setting of a copy of the second digital information instance.

138. (Currently Amended) The system of claim 128, wherein the second digital information instance ~~comprises an~~ is executable ~~digital information instance~~.

139. (Currently Amended) The system of claim 128, wherein the second digital information instance ~~comprises a~~ is non-executable ~~digital information instance~~.

140. (Currently Amended) The system of claim 128, wherein the first portion of functional data in the second digital information instance is not physically distinct from the second portion of data in the second digital information instance.

141. (Currently Amended) The system of claim 128, wherein the first portion of functional data in the second digital information instance comprises a data structure and wherein the second portion of data in the second digital information instance is stored within the data structure.

142. (Original) The system of claim 141, wherein the data structure comprises a data structure representing an image.

143. (Currently Amended) The system of claim 128, wherein the second digital information instance uses the first portion of functional data in the second digital information instance to perform the computerized function.

144. (Currently Amended) The system of claim 128, wherein the second digital information instance does not use the first portion of functional data in the second digital information instance to perform the computerized function.

145. (Canceled)

146. (Currently Amended) The system of claim 128 wherein the parameter setting change data is included in the second portion of data of the second digital information instance.

147. (Currently Amended) The system of claim 128, wherein the parameter setting change data in the second digital information instance is transmitted from a server.

148. (Currently Amended) The system of claim 128, wherein the second portion of data in the second digital information instance includes digital information instance lineage-relevant information.

149. (Currently Amended) The system of claim 148, further comprising:
a database[[:]], the database effective to receive ~~receiving~~ the digital information instance lineage-relevant information at the database; and

~~comprising performing~~ wherein the processor performs analysis of the digital information instance lineage-relevant information to infer a set of desirable characteristics for the second digital information instance.

150. (Currently Amended) A system for performing a method for generating a variation of [[a]] digital information ~~instance~~, the system comprising:

means for ~~providing the digital information instance~~, producing a second instance of digital information based on a first instance of digital information, the first digital information instance having a first portion of functional data used in performing a computerized function, at least one aspect of performing the function being affected by a parameter setting, and a second portion of data including at least the parameter setting, the second instance of digital information including the functional data and the parameter setting, the producing being in response to a copying or purchasing event for the digital information;

~~means for providing the digital information instance, the digital information instance having a second portion of data including at least the parameter setting; and~~

means for changing the parameter setting in the second digital information instance, the changing being in response to a circumstance as determined using parameter setting change data and being linked to the copying or purchasing event.

151. (Canceled)

152. (Canceled)

153. (Canceled)

154. (Currently Amended) The system of claim 150, wherein the means for changing the parameter setting in the second digital information instance comprises means for changing in response to an event based on an amount of time related to the second digital information instance.

155. (Currently Amended) The system of claim 154, wherein the means for changing in response to an event based on an amount of time comprises means for changing in response to a duration of time the second digital information instance has been used in performing the computerized function.

156. (Currently Amended) The system of claim 150, wherein the means for changing the parameter setting in the second digital information instance comprises means for changing in a probabilistic manner.

157. (Currently Amended) The system of claim 150, wherein the means for changing the parameter setting in the second digital information instance comprises means for changing according to information transmitted from a server.

158. (Currently Amended) The system of claim 157, wherein the means for changing according to information transmitted from a server comprises means for using the information transmitted to prevent future changes to the parameter setting of the second digital information instance.

159. (Currently Amended) The system of claim 157, wherein the means for changing according to information transmitted from a server comprises means for using the information transmitted to prevent future changes to the parameter setting of a copy of the second digital information instance.

160. (Currently Amended) The system of claim 150, ~~comprising means for providing an executable~~ wherein the second digital information instance is executable.

161. (Currently Amended) The system of claim 150, ~~comprising means for providing a non-executable~~ wherein the second digital information instance is non-executable.

162. (Currently Amended) The system of claim 150, wherein ~~means for providing a first portion of functional data comprises means for providing a~~ the first portion of functional data in the second digital information instance ~~that~~ is not physically distinct from the second portion of data in the second digital information instance.

163. (Currently Amended) The system of claim 150, wherein ~~means for providing a~~ the first portion of functional data in the second digital information instance comprises ~~means for providing~~ a data structure and wherein the second portion of data in the second digital information instance is stored within the data structure.

164. (Currently Amended) The system of claim 163, wherein ~~means for providing a~~ the data structure ~~comprises means for providing a data structure representing~~ represents an image.

165. (Currently Amended) The system of claim 150, ~~comprising means for~~ ~~providing a first portion of functional data used in performing a computerized function~~ wherein the second digital information instance performs the computerized function.

166. (Currently Amended) The system of claim 150, ~~comprising means for~~ ~~providing a first portion of functional data used in performing a computerized function~~ wherein the second digital information instance does not perform the computerized function.

167. (Currently Amended) The system of claim 166, further comprising means for providing software or hardware capable of using the functional data in the second digital information instance to perform the computerized function.

168. (Currently Amended) The system of claim 150, wherein the parameter setting change data in the second digital information instance is included in the second portion of data of the second digital information instance.

169. (Currently Amended) The system of claim 150, wherein the parameter setting change data in the second digital information instance is transmitted from a server.

170. (Currently Amended) The system of claim 150 wherein ~~means for providing~~ ~~the digital information instance comprises means for receiving~~ the first digital information instance is received by a user.

171. (Currently Amended) The system of claim 150, wherein ~~means for~~ ~~providing the digital information instance comprises means for communicating~~ the first digital information instance is communicated to a user.

172. (Currently Amended) The system of claim 150, ~~comprising means for~~ ~~providing~~ wherein the second portion of data in the second digital information instance including includes digital information instance lineage-relevant information.

173. (Currently Amended) The system of claim 172, comprising
means for receiving the digital information instance lineage-relevant information
at a database; and
means for performing analysis of the digital information instance lineage-relevant
information to infer a set of desirable characteristics for the second digital information instance.

174. (New) A method for generating a variation of digital information, the method
comprising:

passing an instance of digital information to a user, the instance having a first
portion of functional data used in performing a computerized function, at least one aspect of
performing the function being affected by a parameter setting, and a second portion of data
including at least the parameter setting;

enabling purchase of the instance by the user; and

changing the parameter setting, the changing being determined using parameter
setting change data and being in response to the purchase.

175. (New) The method of claim 174, wherein the digital information instance is
executable.

176. (New) The method of claim 174, wherein changing the parameter setting
comprises changing in response to an event based on an amount of time related to the digital
information instance.

177. (New) The method of claim 176, wherein changing in response to an event
based on an amount of time comprises changing in response to a duration of time the digital
information instance has been used in performing the computerized function.

178. (New) The method of claim 174, wherein changing the parameter setting comprises changing in a probabilistic manner.

179. (New) The method of claim 174, wherein changing the parameter setting comprises changing according to information transmitted from a server.

180. (New) The method of claim 179, wherein changing according to information transmitted from a server comprises using the information transmitted to prevent future changes to the parameter setting of the digital information instance.

181. (New) The method of claim 179, wherein changing according to information transmitted from a server comprises using the information transmitted to prevent future changes to a parameter setting of a copy of the digital information instance.

182. (New) The method of claim 174, wherein the digital information instance is non-executable.

183. (New) The method of claim 174, wherein the first portion of functional data in the digital information instance is not physically distinct from the second portion of data in the digital information instance.

184. (New) The method of claim 174, wherein the first portion of functional data in the digital information instance is a data structure and wherein the second portion of data in the digital information instance is stored within the data structure.

185. (New) The method of claim 174, wherein the data structure represents an image.

186. (New) The method of claim 174, wherein the digital information instance performs the computerized function.

187. (New) The method of claim 174, wherein the digital information instance does not perform the computerized function.

188. (New) The method of claim 174, comprising providing software or hardware capable of using the functional data to perform the computerized function.

189. (New) The method of claim 174, comprising including the parameter setting change data in the second portion of data of the digital information instance.

190. (New) The method of claim 174, comprising transmitting the parameter setting change data from a server.

191. (New) The method of claim 174, wherein the digital information instance is received by a user.

192. (New) The method of claim 174, wherein the digital information instance is communicated to a user.

193. (New) The method of claim 174, wherein the second portion of data in the digital information instance includes instance lineage-relevant information.

194. (New) The method of claim 193, comprising
receiving the digital information instance lineage-relevant information at a
database; and

performing analysis of the digital information instance lineage-relevant
information to infer a set of desirable characteristics for the digital information instance.